

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 16 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MARTIN A. HERNANDEZ-MAGANA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 08-70073

Agency No. A75-763-692

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted May 12, 2008^{**}

Before: KOZINSKI, Chief Judge, THOMAS and CALLAHAN, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")
order affirming the denial of petitioner's application for cancellation of removal.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The BIA found petitioner ineligible for cancellation of removal because his conviction under California Penal Code § 273.5(a) was for a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E)(i).

Petitioner does not dispute that he has been convicted under California Penal Code § 273.5(a) for willful infliction of corporal injury on a spouse or cohabitant, or that his conviction constitutes a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E)(i). Further, because petitioner's conviction for a crime of domestic violence rendered him ineligible for cancellation of removal under 8 U.S.C. § 1229b(b)(1)(C), the BIA did not need to reach the issue of whether petitioner could establish good moral character for purposes of cancellation of removal. *Cf. Gonzalez-Gonzalez v. Ashcroft*, 390 F.3d 649, 653 (9th Cir. 2004). Accordingly, respondent's unopposed motion for summary disposition is granted.

PETITION FOR REVIEW DENIED.